III. REMARKS

1. Claims 21-59 remain in the application. Claims 45, 47, and 59 have been amended.

2. Applicant respectfully submits that the response filed 21 April 2005 does comply with 37 CFR 1.111(c). On page 13 of the response Applicant points out the features of Applicant's new independent claims that the cited reference fails to disclose or suggest. Applicant then points out why the reference fails to teach the features. On page 15 Applicant submits that, based on the presented arguments, all the claims are novel and patentable over the art of record.

Thus, Applicant clearly points out the patentable novelty which the claims present in view of the state of the art disclosed by the references, and the Applicant shows how the amendments made avoid such references.

3. Claim 45 has been amended to overcome the informalities rejection.

4. Claims 47 and 59 have been amended to recite statutory subject matter.

The claim amendments are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

5. Claims 21-59 are patentable over the combination of Luzeski et al. (US 6,430,177, "Luzeski") in view of Parasnis et al. (US 6,728,753, "Parasnis") and Broussard (US 6,269,483).

The combination of Luzeski, Parasnis, and Broussard fails to disclose or suggest using a message server to receive content including a streamable media component and information

describing the streamable media component, sending information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component, as substantially recited by claims 21, 37, 45, 47, 48, 55, and 59.

Applicant notes that Luzeski merely discloses a universal inbox from which the recipient must, on his own initiative, check possible new messages. See Column 7, lines 30 and 31; column 8, lines 22 to 26; column 11, lines 37 and 38 (returning header data to the caller).

The Examiner first asserts that Luzeski discloses a message server receiving content including a streamable media component and information describing the streamable media component, and further sending information describing the streamable media component to a recipient terminal.

Applicant respectfully disagrees because, as mentioned previously, Luzeski fails to disclose or suggest a streamable media component and forming a streaming session as defined by the present application.

Luzeski discloses on column 20, lines 55 onwards, that the subscriber clicks on a voice message to open it. This causes a Logon ID and URL information to be sent to the Session Manager 14 and be passed to the Session Manager 10-5. Then, the session manager gets and sends the voice information in segments to the Web server 14, which passes them to the subscriber PC Web plug-in. After all the segments are received, the plug-in plays the voice data. This is what column 12, lines 44 to 47 refer to by

"streaming the data back to the plugin via the Web Server." There may be a data stream sent to the plugin, but there is no streaming in its established sense, i.e. playing back data while subsequent portions of the data are being received.

Thus, according to Luzeski plug-ins reproduce data in the receiver end only after complete reception of the data in question. After the receiving user has clicked, for example, a voice message to open it, only after all segments of the voice mail have been transferred will the plug-in in the receiving end play back the voice mail.

Applicants again refer to the present specification, for example, page 4, lines 12-25 where streaming is defined as presenting a media stream while the stream is being transmitted.

Therefore, Luzeski does not disclose streaming as defined, that is, Luzeski fails to disclose or suggest streaming in the sense that it is presented in the present application and as it is generally understood among the skilled persons in this field.

Because Luzeski fails to disclose streaming, Luzeski cannot disclose or suggest:

> using a message server to receive content including a streamable media component and information describing the streamable media component;
>
> sending information describing the streamable media component from the messaging server to a recipient wireless terminal; and

> forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component.

Parasnis fails to disclose or suggest forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component.

Parasnis relates to a netmeeting type system with separate audience terminal windows for computer graphics and for video image of the net presenter himself, see Figs. 9 and 10, for instance. Parasnis is focused on sharing live content, see column 3, lines 32-47 (object of invention). Parasnis is thus fundamentally distinct from the claimed **messaging** invention. There is nothing in Parasnis related to forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component.

Unlike alleged in the Office Action, Parasnis does not, on column 2, lines 35 to 39, teach to generally use streaming. The Office Action left out nine first words of the quoted sentence:

> **In addition to viewing presentations in the foregoing manner,** recent advancements in streaming format technology have made it possible to receive audio and video content via live broadcasts over the Internet and other network environments.

The quotation not only recites streaming as a tool for live broadcasts but also associates streaming with presentations in particular. It is well known that presentations including AV content, high-quality graphics slides etc. produce very large files. Further, a presentation is, unlike messaging, a live

event. An electronic presentation merely changes the channel, but preferably not the conduct. The audience may interact by commenting and questioning the presenter during the presentation. Hence, a person ordinarily skilled in the art could have seen fit for presentations to apply live streaming so as to ensure that all of the audience are synchronised with the presentation and so that questions from the audience can be timely received.

Messaging, unlike presentations, rarely benefits from on-line operation. It is not important to a sender of an e-mail or a multimedia message whether each or any one of the recipients reads the message at the instant it arrives, nor whether the terminal of the recipient receives the message at the earliest technically possible instant. To the contrary, and especially in wireless environment, it is advantageous to communicate at off-peak moments when radio resource is available.

To summarise the foregoing, a person ordinarily skilled in the art would not have linked Parasnis to "non-realtime" messaging, and even less to wireless messaging.

The Examiner admits that neither Luzeski nor Parasnis discloses wireless messaging as claimed and refers to Broussard. However, Broussard fails to supply the other features missing from Luzeski and Parasnis argued above. Broussard presents a method of automatically streaming out data only when an attendant of a netmeeting is saying something louder than a threshold limit. There, wireless terminals can be used, as the examiner pointed out (column 5, lines 33-36). It is not clear whether the embodiment with wireless terminal is to be used in connection with the point-to-point arrangement (every attendant connects to each other) or the broadcast arrangement, but in either case it

is clear that the content delivered is conferencing and thus drastically different from messaging (conferencing preferably has minimum buffering to enable reasonable conversation).

Thus, for all the reasons asserted above, the combination of Luzeski, Parasnis, and Broussard fails to disclose or suggest all the features of Applicant's independent claims.

Therefore, the combination of Luzeski, Parasnis, and Broussard fails to render independent claims 21, 37, 45, 47, 48, 55, and 59, and dependent claims 22-26, 38-44, 46, 49-54, and 56-58 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $320.00 is enclosed for a 1 month extension of time and additional claim fees.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Joseph V. Gamberdell, Jr. Date
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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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